



WEB COPY

W.A.(MD) No.940 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2021

CORAM

THE HON'BLE MR.JUSTICE T. S. SIVAGNANAM
and
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.940 of 2021
and C.M.P. (MD)No.4271 of 2021

The Madurai District Cooperative
Milk Producers Union Ltd.,
Represented by its General Manager,
No.A1301, Sathamangalam Post,
Madurai.

...Appellant/Petitioner

-Vs-

1.The Principal Secretary to Government,
Labour and Employment (L1) Department,
Fort St. George,
Chennai - 600 009.

2.The Regional Director,
Employees State Insurance Corporation,
No.143, Sterling Road,
Nungampakkam,
Chennai.

3.The Assistant Director,
Employees State Insurance Corporation,
Sub Regional Office,
4th Main Road, K.K.Nagar,
Madurai - 20.

...Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letter Patent against the order dated 07.01.2021 made in W.P.(MD)No.3439 of 2011 on the file of this Court.

Prayer in WP(MD). 3439 of 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of
<https://hcservices.ecourts.gov.in/hcservices/>



Certiorari, to call for the records from the file of the first respondent herein and to quash his order in G.O.(D) No.567 dated 25.10.2010.

WEB COPY For Appellants : Mr.V.O.S.Kalaiselvam

For Respondents : Mr.K.P.Krishnadoss,
Spl. Govt. Pleader for R1

JUDGMENT

[Judgment of the Court was made by T. S. SIVAGNANAM, J.,]

This Writ Appeal by writ petitioner is directed against the order dated 07.01.2021 made in W.P.(MD)No.3439 of 2011.

2. Heard Mr.V.O.S.Kalaiselvam, learned counsel appearing for the appellant Bank and Mr.K.P.Krishnadoss, who accepts notice on behalf of the first respondent.

3. With the consent on either side, this Writ Appeal is taken up for final disposal.

4. The Writ Petition has been filed challenging the G.O.(D) No.567, dated 25.10.2010, by which the request for grant of exemption from the provisions of the Employees State Insurance Act, 1948 under Section 88 read with Section 91-A for the Madurai District Cooperative Milk Producers Union Ltd., was rejected for the period from 01.04.2006 to 31.03.2008.

5. We have gone through the reasons for rejection. As could be seen from paragraph 4 of the impugned order, we find that there is no error in the said Government Order. Merely because, there was some exemption granted for earlier periods and therefore, no reason to fault the Government Order in G.O.(D)No.567, dated 25.10.2010. In any event, there is no vested right for claiming exemption under the provisions of the Employees State Insurance Act, 1948, which is admittedly a labour welfare legislation. That apart, the appellant though claims that they are being carried out the functions of the State in the matter of procurement and distribution of milk and milk products, the appellant should remind themselves that they are the co-operative society registered under the Tamil Nadu Co-operative Societies Act, 1983 and they are being administered by an elected Board with a Managing Director, being an official of the Government and many of the activities of the appellant will not fall within the definition of the State as defined under Article 12 of the Constitution of India. Therefore, we are of the view that the learned writ Court was right in dismissing the writ petition and no relief can be granted to the appellant in this appeal.



6. Accordingly, this Writ Appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal Secretary to Government,
Labour and Employment (L1) Department,
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Chennai - 600 009.

2.The Regional Director,
Employees State Insurance Corporation,
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3.The Assistant Director,
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Madurai - 20.

+1 CC to M/s.GP (SR-18410[F] dated 03/05/2021)

W.A. (MD) No. 940 of 2021
and C.M.P. (MD) No. 4271 of 2021
30.04.2021

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KK(15.06.2021) 3P 5C